

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MANORCARE OF EASTON PA LLC,
Plaintiff,

v.

THE ESTATE OF JOSEPH A. NAGY,
Defendant

CIVIL ACTION
NO. 13-5957

THE ESTATE OF JOSEPH A. NAGY and
JOSEPH EUGENE NAGY,
Counter-Plaintiffs,

v.

MANORCARE OF EASTON PA LLC;
KENNEDY, PC; NORTHAMPTON COUNTY;
AETNA, INC.; DR. EDWARD CUMBO; DR.
DILIP BERA; BRAKELEY PARK CENTER;
NEW EASTWOOD CARE AND REHAB;
COMMONWEALTH OF PENNSYLVANIA;
DR. STEPHEN KSIAZEK; and ST. LUKE'S
WARREN HOSPITAL,
Counter-Defendants

ORDER

AND NOW, this 29th day of September, 2017, upon review of Counter-Defendants' Motions to Dismiss, and all supporting and opposing papers, it is hereby

ORDERED as follows:

1. Counter-Defendant ManorCare's Motion to Dismiss (Docket No. 36) is **GRANTED**.
2. Counter-Defendant St. Luke's Warren Hospital's Motion to Dismiss (Docket No. 51) is **GRANTED**.
3. Counter-Defendant Commonwealth of Pennsylvania's Motion to Dismiss (Docket No. 52) is **GRANTED**.

4. Counter-Defendant Northampton County's Motion to Dismiss (Docket No. 53) is **GRANTED**.
5. Counter-Defendant Kennedy, PC's Motion to Dismiss (Docket No. 59) is **GRANTED**.
6. Counter-Defendant Dr. Dilip Bera's Motion to Dismiss (Docket No. 60) is **GRANTED**.
7. Counter-Defendant Aetna, Inc.'s Motion to Dismiss (Docket No. 62) is **GRANTED**.
8. Counter-Defendant Brakeley Park Center's Motion to Dismiss (Docket No. 77) is **GRANTED**.
9. Counter-Defendant Dr. Edward Cumbo's Motion to Dismiss (Docket No. 88) is **GRANTED**.
10. Counter-Defendant Dr. Stephen Ksiazek's Motion to Dismiss (Docket No. 91) is **GRANTED**.
11. Counter-Defendant New Eastwood Care and Rehab's Motion to Dismiss (Docket No. 95) is **GRANTED**.
12. Counter-Plaintiff Joseph Eugene Nagy's Motion to Strike (Docket No. 96) is **DENIED**.
13. Counter-Plaintiffs' Amended Counterclaim is **DISMISSED** with prejudice.
14. The following Counter-Defendants are **DISMISSED** with prejudice:

Kennedy, PC; Northampton County; Aetna, Inc.; Dr. Edward Cumbo; Dr. Dilip Bera; Brakeley Park Center; New Eastwood Care and Rehab;

Commonwealth of Pennsylvania; Dr. Stephen Ksiazek; and St. Luke's Warren Hospital.

15. The only remaining parties in this matter are Plaintiff ManorCare and the Nagy Defendants.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.